February 9, 2009

Mary Beth Mello
Deputy Regional Administrator, Region 1
Federal Transit Administration
Transportation Systems Center, Kendall Square
55 Broadway, Suite 920
Cambridge, MA 02142-1093

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, EOEA #12565
Richard Bourre, Assistant Director
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

Re: Revised Draft Environmental Impact Report/Draft Environmental Impact Statement for Phase 2 of the Urban Ring Project, EOEA #12565, CEQ #20080477

Dear Administrator Mello and Secretary Bowles:

The Environmental Protection Agency-New England Region (EPA) has reviewed the Federal Transit Administration's (FTA)/Executive Office of Transportation's (EOT) Revised Draft Environmental Impact Report (RDEIR) and Draft Environmental Impact Statement (DEIS) for the construction of Phase 2 of the Urban Ring project, a new bus rapid transit (BRT) system that would run through portions of Chelsea, Everett, Medford, Somerville, Cambridge, Brookline and Boston. We submit the following comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

According to the DEIS, the Urban Ring project initiative is intended to improve the regional transportation system in greater Boston by improving transit access/capacity, reducing crowding on the subway system and promoting opportunities for transit oriented/smart growth development. In addition, since it will be located in a corridor that is densely populated with both housing and with employers that provide jobs for many residents of the corridor, Urban Ring transit service has the potential to become a viable, reliable and long-lived means of transportation for people traveling to and from jobs within the corridor. EPA continues to strongly support the Urban Ring due to its ability to improve air quality and promote smart growth.

As you know, eastern Massachusetts is currently violating the national ozone standard, placing millions of residents at risk for aggravated lung conditions, including asthma and other health problems. The transportation sector is one of the largest sources of air pollution in the Commonwealth, accounting for roughly one half of the pollutants that cause summertime smog. Improvements to public transportation are a critical part of the overall effort to meet air quality goals. According to the DEIS the locally preferred alternative would provide a reduction of 189,400 vehicle miles traveled (VMTs) per day in 2030 when compared to the No-build. This dramatic reduction will reduce congestion and improve air quality in the region.

While EPA has no objections to the project we have identified several concerns that should be addressed as FTA/EOT develop the FEIS for the project. Our specific comments related to the analysis of air quality, indirect and cumulative impacts, and environmental justice are included in the attachment to this letter. We have rated the DEIS "EC-2-Environmental Concerns–Insufficient Information" in accordance with EPA's national rating system, a description of which is attached to this letter. Please contact Timothy Timmermann (617-918-1025) of EPA's Office of Environmental Review with any questions.

Sincerely,

/s/

Ira Leighton
Acting Regional Administrator

Attachment

cc:

Ned Codd
Director of Program Development
Executive Office of Transportation and Public Works
10 Park Plaza, Room 4150
Boston, Massachusetts 02116

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC–Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate
EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3–Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Attachment: EPA Comments on the RDEIR/DEIS for Phase 2 of the Urban Ring

Air Quality

The Urban Ring Phase 2 transit project is included in Boston Metropolitan Planning Organization's conforming Long Range Transportation Plan (TP). As construction is proposed to start between May 2015 and May 2016, (page ES-43, November 2008 plus 6.5 to 7.5 years), this project is not within the timeframe of the current Boston Transportation Improvement Program (TIP).

The FEIS should clearly identify the length of the Urban Ring Phase 2 construction period, indicating when this transit project would be completed, and predicting when transportation benefits from this phase can be assumed. Normally a transit project would start seeing ridership/transportation benefits at the completion of construction, but may not realize full benefits until some time later. On page 6-4, the DEIS indicates an assumption that construction would start in 2015 with an opening year of 2020. The DEIS air quality analysis, however, examines the horizon year 2030, but fails to address any intermediate years. Depending on the length of the construction period, we believe it may be appropriate to evaluate an interim year between the end of construction and the 2030 horizon year. Also, as this transit project is located within the Boston Carbon Monoxide Attainment Area with a maintenance plan, a project level conformity determination will require a hot-spot carbon monoxide microscale air quality analysis to evaluate current year (baseline), operational year(s), and design (horizon) year. The DEIS currently evaluates only the current year 2000/2006 and a horizon year 2030.

We commend the EOT commitment to retrofit off-road diesel construction equipment and to use low-sulfur diesel fuel (DEIS page ES-33) and recommend that this commitment be included as a requirement in the FTA Record of Decision for the project. The commitment is consistent with the Administrative Consent Order (ACO-BO-00-7001) entered into by the Massachusetts Department of Environmental Protection and the Massachusetts Executive Office of Transportation on January 26, 2005 (and its Amendments). The Consent Order requires EOT to implement a construction equipment retrofit program and retrofit equipment with emission control technologies such as oxidation catalysts and particulate filters for large Massachusetts Highway Department and Massachusetts Bay Transportation Authority funded projects.

EOT should make a commitment to use state-of-art buses in the BRT system. I addition to the use of hybrid electric propulsion systems for BRT buses, we also encourage EOT to investigate whether additional energy can be saved through the use of energy saving regenerative braking systems.

Greenhouse Gas Emissions, Design & Energy Considerations

We recommend that the FEIS include a quantification/discussion of the existing carbon/ greenhouse gas footprint of the project area to be served by the Urban Ring project and estimate how that footprint may change as a result of the proposed BRT system. We also encourage FTA to develop a FEIS that includes a discussion of measures that can be incorporated in the project to avoid, minimize and mitigate for greenhouse gas emissions associated with secondary development that may follow the implementation of the various transportation options. We also suggest that the FTA consider standards and guidelines for the project that promote "green building" strategies and goals consistent with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for proposed stations associated with the alternatives. These standards would provide requirements for building designs that conserve energy, use recycled materials and include BMPs such as green roofs, rain gardens, and cisterns for capturing rain for potential reuse or delaying its release as storm water runoff. The use of energy efficient "dark skies" compliant lighting fixtures should also be required for the project where lighting is anticipated.

The EIS should also describe whether opportunities exist for clean and renewable energy generation in association with the project. At a minimum, the discussion should explain how the proposed project will not preclude future development of renewables in the project corridor.

Secondary and Cumulative Impacts

Although we strongly agree with the conclusion in Sections 5.1.2.2 and 7.2.1 that the Urban Ring Phase 2 project is consistent with state and regional smart growth goals by better serving existing communities with transportation infrastructure, the FEIS should be expanded to include an analysis of secondary and cumulative effects of the alternatives. We encourage FTA and EOT to work closely with us to develop an appropriate scope for this analysis to correct this deficiency in the DEIS.

Environmental Justice

<u>Identification of Potential EJ Areas</u>
The DEIS applies appropriate criteria of race and income to identify the potential EJ areas. The Urban Ring corridor includes a large percentage of minority, low-income, and transit-dependent households.

<u>Public Participation & Outreach</u>
The proponent has conducted extensive public involvement for the DEIS that meets and exceeds the requirements for participation in the Commonwealth of Massachusetts Environmental Justice Policy. To engage a wide variety of stakeholders effectively during the development of the DEIS, EOT and the project team utilized a comprehensive public involvement plan which is outlined in Chapter 8. The Citizens Advisory Committee (CAC), which includes representatives from the municipalities in

the project corridor (Boston, Brookline, Cambridge, Chelsea, Everett, Medford, and Somerville, MA), neighborhood and citizens groups, and the many educational and medical institutions in the corridor, as well as other organizations involved are identified in Chapter 11. The DEIS states that the project team made every effort to ensure that meetings were fully accessible (providing CART or other interpretive services for events on request).

We continue to recommend that meeting announcements be communicated via ethnic media (radio, websites, newspapers) to enhance future public participation in the affected communities and that all documents be translated in appropriate language(s), and copies made available via public libraries and community centers.

Direct and Indirect Impacts

The DEIS states that none of the Urban Ring alternatives would have disproportionately high and adverse effects on the minority or low-income populations in the corridor or the seven-city region. We agree and note that all of the alternatives would provide benefits to residents including the minority and low-income populations living near the proposed stations. These benefits include improved access to transit, transit travel time savings, expanded access to employment and amenities, and the potential for increased economic development.